

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAN 29 2008

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

VA TIMBERLINE, LLC,

Plaintiff,

v.

APPALACHIAN POWER COMPANY,
and
FRANKLIN REAL ESTATE COMPANY,
Defendants.

Case No. 7:06cv40026

FINAL ORDER

By: James C. Turk
Senior United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby

ORDERED

that the defendant's Motion for Summary Judgment is **GRANTED** and the plaintiff's Motion for Summary Judgment is **DENIED**, the effect of which is to hold that the Plaintiff may construct only those boat docking and mooring structures along the shoreline of Common Area D which are consistent with the terms of Defendant's federal license.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to all counsel of record and to strike the case from the active docket of the court.

ENTER: This 29th day of January, 2008.

[Signature]
Hon. James C. Turk
Senior United States District Judge